

REMARKS

In the Office Communication, the Examiner alleges that the last response to the Office Action filed on July 7, 2008 is non-responsive because the remaining claims are not readable on the elected invention because nitroguanidine was not elected as a fuel.

Applicants respectfully traverse and request the Examiner reconsider and enter the amendment and the argument presented in the last response file on July 7, 2008, base on the flowing explanation.

In the Office Action of April 25, 2006, the Examiner required Applicants to elect one of fuel, oxidizer, binder, and any additives. In the response thereto filed on May 25, 2006, Applicants elected that MC (Melamine Cyanurate), BCN (Basic Copper Nitrate), CMCNa (sodium carboxymethyl cellulose) and $Al(OH)_3$, as fuel, oxidizer, binder and additive, respectively. The elected invention did not exclude other possible ingredients.

In current independent claim(s) I (29 and 31) as amended in the last response, fuel is merely limited from "MC or a mixture of MC and a nitrogen-containing organic compound" to "(a) a mixture comprising MC and nitroguanidine." In short, the elected fuel MC is still an essential element in current claim I, and the remaining claims are readable on the elected invention even though "a nitrogen-containing organic compound" is limited to "nitroguanidine." For the Examiner's convenience, Table I is provided below to summarize the elected species, the previous claim I and the current claim I.

Table 1

	Elected Species	Previous Claim 1	Current Claim 1
Fuel	MC (Melamine Cyanurate)	(a) MC or a mixture of MC and a nitrogen-containing organic compound	(a) a mixture comprising MC and nitroguanidine
Oxidizer	BCN (Basic Copper Nitrate)	(b) at least one oxygen-containing oxidant selected from the group consisting of BCN, basic cobalt nitrate, basic zinc nitrate and basic manganese nitrate.	
Binder	CMCNa (Sodium Carboxymethyl Cellulose)	Not limited (Optional element)	Not limited (Optional element)
Additive	Al(OH) ₃	Not limited (Optional element)	Not limited (Optional element)

From Table 1, it is clear that the amendment to the claims in the last response does not shift the subject matter to non-elected invention.

Base on the foregoing, Applicants respectfully request that the Examiner reconsider and enter the amendment and the argument as presented in the last response file on July 7, 2008.

Additional Consideration (Request of Rejoinder of Claim 5)

In the response filed on May 25, 2006, claim 5 was not inadvertently listed as a claim readable on the elected species therein. Then, claim 5 was withdrawn from consideration. However, claim 5 should also be readable on the elected species. Thus, Applicants respectfully request rejoinder of claim 5.

CONCLUSION

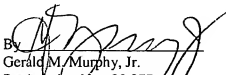
Based upon the remarks presented herein, the Examiner is respectfully requested to enter the amendments and the remarks in the last response and issue a Notice of Allowance clearly indicating that each of the pending claims are allowed under the provisions of Title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Toyohiko Konno (Reg. No. L0053) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,


By _____

Gerald M. Murphy, Jr.
Registration No.: 28,977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatchouse Road, Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000